

ALINA ŞORLEI*

The European Union–Turkey Statement on Refugees: a Deal on the Verge of Collapse?

Abstract

The Syrian War has brought about one of the greatest refugee crises of our time. Turkey represents a country that many refugees pass through in order to reach Europe, where supposedly they can find a better life. In order to be able to cope with the thousands of refugees that cross the Turkish border, the EU and Turkey have agreed on the “EU–Turkey Statement on Refugees” that was implemented in order to lower the number of irregular migrants coming from the Middle Orient, as well as to reduce migrant deaths, smuggling and human rights violations. The purpose of the article is to shed light on the main reasons why Turkey lacks commitment to the Statement. The article is composed of four parts. The first section elaborates on the deal itself, the conditions of the statement and the action points that were established. The following part outlines the opinions of the countries involved and the perspectives of the refugees on the EU–Turkey Statement. The third section contains a quantitative analysis in order to evaluate the efficiency of the deal, while the last section focuses on the influences of the Turkish coup d’état on the deal and the reasons for Turkey’s lack of commitment to the Statement. The findings show that for the deal to be functional both parties have to prove commitment; in the case of Turkey, financial reasons, visa-free travel and reopening EU accession talks seem to be the key factors necessary for proper commitment.

Key words: illegal migration, EU–Turkey Statement, refugees, diplomacy, human rights, border security, Turkish Coup d’État.

JEL Classification: F51, F53, H11, H12, F22.

* Trainee at the Humanitarian Aid and Civil Protection Directorate General of the European Commission, Belgium, alina.sorlei@outlook.com

Introduction

Beginning with 2015, more than one million immigrants and refugees crossed the European border, bringing about a crisis that was hard to handle by European Countries. In the upcoming year, Europe had to face an unprecedented refugee crisis; people inhabiting Syria and the neighbouring areas had to flee their homes in order to seek asylum, choosing Europe as a new home-continent.

The Syrian refugee crisis, known as one of the “greatest humanitarian crises in a generation” (DipNote Bloggers 2015) was brought about by the destructive conflict of the Syrian War that began in 2011. The war has immersed the country in an ongoing, multifaceted war that destroyed the economy, the infrastructure and the national wealth of the country. According to the UNHCR (the United Nations High Commissioner for Refugees), over 5.6 million people have left Syria since 2011. A number of 6.6 million people have been internally displaced and 13.1 million were in need of humanitarian assistance (UNHCR 2018). Up to October 2019, 5.4 million Syrian refugees have been registered in different countries of asylum (UNHCR 2019). Neighbouring countries such as Turkey, Lebanon and Jordan have received about three quarters of the Syrian refugees. Turkey, for instance, which currently hosts 3.6 million refugees, acted like a buffer zone between the Middle East and Europe, representing one of the first places where refugees head in case of need. Jordan houses 654.955 Syrian refugees, which represents 10 percent of the population, while Lebanon is the home of 919.578 refugees, which means one in five people is a refugee from Syria (UNHCR 2019).

Despite being able to flee to neighbouring countries, why do refugees flee to Europe as well? Amnesty International states that 93% of the refugees in Jordan, for example, are living in very poor conditions; the same situation happens in the case of Lebanon (70%), Egypt (37%) and Iraq (37%). Moreover, countries having high revenues, like the United Arab Emirates, Qatar, Saudi Arabia, Kuwait, Bahrain, Russia, South Korea, Singapore have offered no resettlement places to Syrian refugees (Amnesty International 2016). Even though Jordan is making efforts to supply all the refugees from the country with basic services such as food, sanitation and health care, refugees see themselves obliged to search for a better life, preferring the rich countries in Europe. In addition, according to „The Telegraph”, the Lebanese government is not able to provide its own citizens with steady electricity, or not even with sufficient rubbish collection service (King’s College London 2015). Although the UN assists

the countries in need, the possibility to care for the masses is reduced. Another reason is that refugee children do not get proper education, the adults are not given the possibility to work, media is revealing Europe as a continent which has its doors open for refugees, and last, but not least, the Syrian War does not seem to be able to come to an end very soon (Fleming 2015). For instance, in Turkey refugees find it hard to integrate in the Turkish community since they are not legally recognized as refugees and most of them do not obtain legal employment. The High Commissioner for Refugees has come up with a new legislation that allows Syrian refugees work permits; still, it remains unclear whether they will be put into practice. Amira, 42, believes she was lucky that she found a job in Turkey (Democratic Progress Institute 2016: 66–67).

In 2015, the Greek islands became the top destination for migrants seeking to enter Europe by sea. Therefore, Turkey evolved into the main transit country to reach Europe. It is undoubtedly the fact that the migration crisis is not only a threat for the very foundations of the European Union—unity, tolerance and solidarity, but also to its relations with Turkey. The EU and Turkey need each other in order to cope with the refugee crisis. The unprecedented rapprochement took place in the form of the EU-Turkish Statement on Refugees agreed on March 2016, a deal intended to control irregular migration flows towards Europe. There is still doubt on whether the deal is a sincere commitment in order to strengthen the relation between the two or if it is just a transactional approach, as Laura Battalla Adam, an expert in EU–Turkish relations, states (Batalla Adam 2016: 2). These being affirmed, the primary aim of this article is to explore the main reasons on Turkey’s lack of commitment to the EU–Turkish deal. The Statement, constituting the independent variable, is worth to be given due consideration since it is a peculiar form of external cooperation in order to restrict refugees to cross the EU borders. The dependent variables such as the number of migrants that arrived after the Statement have been agreed on, and the resettlements under the EU–Turkey Statement will be analysed in the article. Moreover, the EU–Turkish relations under the Statement will also be presented, together with the reasons that prompted Turkey to threaten to break the deal.

The article is composed of four sections. The first section elaborates on the deal itself, the conditions of the statement and the action points that were established. The following part focuses on the opinions of the countries involved and the perspectives of the refugees on the Agreement. The third section involves a quantitative analysis in order to prove or refute the efficiency of the deal. The last section will focus on the influences of the Turkish coup d’état on the deal and the reasons for Turkey’s lack of commitment to the deal.

Literature Review

The EU–Turkey Statement has been controversial since its introduction. It opened the floor to a large debate on various levels and many scholars have therefore tried to shed light on the adopted policies, their implementation and the future implications that the EU–Turkish Statement might trigger.

Laura Batalla Adam, in her paper, stresses the need for Turkey and the EU to work together in order to handle the refugee crisis, underlining that failure to cooperate might undermine EU–Turkish relations; it is a “necessary but uncertain deal” (Batalla Adam 2016: 2). Başak Kale pointed out the potential of the EU–Turkey Statement to revitalize the two actors’ relations, bringing new hopes of cooperation into the fight against terrorism, security efforts and the strengthening of border controls (Kale 2016: 3).

While some scholars saw the Statement more optimistically, some critical approaches regarding the Statement and the actors involved also surged. Concerning the legal aspects, it was debated that Turkey has a young legal system, limited resources, and its status as a “safe third country is questionable” (İçduygu and Millet 2016: 3). Discriminations on grounds of nationality were noticed by researchers in asylum case management and police practices; moreover, fast-track asylum procedures should not replace quality assessment, guaranteeing at the same time access to the asylum system for migrants (van Liempt et al. 2017: 28–29).

Some researchers argued that the EU wanted to externalize the migration issue after failed attempts to relocate asylum seekers within EU Member States (Toygür and Benvenuti 2017: 1–3). Özgehan Şenyuva and Çiğdem Üstün outline that the EU–Turkish Statement was converted into a bargaining matter, drifting away from its initial role of representing a cooperation opportunity (Şenyuva and Üstün 2016: 3), a fact that appears in the work of Hafferlack and Kurban “What is more, the EU effectively jeopardises the refugees’ safety by allowing the Turkish regime to use them as a bargaining chip to push through its own demands” (Haferlach and Kurban 2017: 88).

While the existing literature regarding the EU–Turkey Statement offers a rich overview on the EU–Turkey Statement, the question of Turkey’s reluctance to keep its commitment to the EU–Turkey Statement needs to be given more insight taking into account the various internal and external factors that could contribute to it. A very interesting approach can be found in the “European Union in Crisis” where the authors put forward the “asymmetric relation” between Turkey and the EU,

Turkey playing a key role in solving the migration crisis. The fact that Turkey has higher leverage in this situation – since the EU cannot really afford to wait – allowed Turkey to ask a high price for its cooperation – visa free entry for Turkish citizens into the Schengen Area, financial incentives and progress in the accession process. EU member states view these with caution and politically unacceptable in some cases (Dinan, Nugent and Paterson 2017: 366).

Methodology and Research Design

This section of the article describes the research plan, the methods used to investigate the research problem and the primary and secondary sources of data examined.

The article comprises of an introduction, a methodology and design section, the theoretical framework where the EU–Turkish deal is explained, the analysis of the efficiency of the deal, the perspectives of the countries involved and of the refugees regarding the agreement. The principal reasons for which the deal was controversial from the beginning and the main arguments for which Turkey does not keep its promises are also tackled in the article. Moreover, the article concludes with the findings that were discovered throughout the research. The scientific article is based on a mixed approach. The empirical technique is used in this paper in order to explore the causes of the fragility of the EU–Turkish Deal, together with the quantitative examinations of some statistics published by FRONTEX and in the three Reports made by the European Commission after signing the Statement. The interpretive approach is used since it provides an all-comprehensive understanding of the subject, having the aim to find an interpretation for this political circumstance. Examining and analysing the materials for the chosen topic, the researcher can get an insight into understanding the attitudes and perspectives of the actors who have a stake in the EU–Turkish Statement. The interpretation and examination of qualitative data represents an exceptional foundation to reveal the findings and to reach the conclusions for the research question. In order to reach a certain conclusion, primary and secondary sources are used. As primary sources, parts of the treaties are used, as well as official documents that convey important and official information regarding the Statement. Moreover, the research is also based on interview transcripts, letters and video footages. Secondary sources also include books and newspaper articles that describe the events when they took place. The author proposes a compilation

and interpretation of valuable EU Documentation, reports, insights from various researchers regarding the EU–Turkish Statement with the aim of having an overview of the most important findings in the field up to this stage. Considering the nature of the topic, this article offers a different perspective on tackling the EU–Turkey Statement.

1. The European Union–Turkish Deal: Facts and Action Points

The EU–Turkish Statement, having its roots in the 29th of November 2015 EU–Turkey Joint Action Plan, was implemented on the 18th of March 2016 having as its principal aim the reduction of refugee flows from Turkey to Europe; it came into effect on the 4th of April 2016 (Policy Analysis Unit 2016: 1). Unanimously approved by European heads of state, the EU–Turkey Statement was agreed on by Turkish Prime Minister Ahmet Davutoğlu and by Donald Tusk, President of The European Council, in Brussels (European Commission 2019a).

For the deal to function, the following action points have been established: beginning with the 20th of March, all irregular migrants crossing from Turkey into the Greek Islands will be returned on Turkish soil. The return will take place in full conformity with EU and International Law; therefore, any kind of collective expulsion is excluded. With the aid of the UNHCR, Turkey and Greece will work together in order to put into action the safe replacement of Syrian refugees to Turkey; Turkish officials were placed on Greek islands and Greek officials were placed on Turkish territory. The EU will cover the expenses of the return operations of irregular migrants. Migrants who arrive in the Greek islands will be properly registered and applications for asylum will be processed individually by the Greek authorities correspondingly with the Asylum Procedures Directive, in strong collaboration with the UNHCR. Only migrants not applying for asylum and those whose applications have been unfounded or unacceptable in accordance with the said directive will be replaced to Turkey. Moreover, for a Syrian migrant that is returned from the Greek islands, Europe will relocate a Syrian from Turkey. Syrians who have not tried to enter Europe before, will be given priority (European Commission 2016a).

The statement also stipulates that Turkey is responsible for avoiding the opening of new sea or land routes for illegal migration from Turkey to the EU, by collaborating with the neighbouring countries and the EU. A Voluntary Humanitarian Admission

Scheme, to which the EU Member countries will contribute voluntarily, once the irregular migration has ceased or at least has diminished considerably, will be activated (European Commission 2016a).

a) Incentives Offered to Turkey for its Help

The EU should loosen Visa restrictions for Turkish citizens within the countries which are in the Schengen area by the end of June 2016, if all the benchmarks have been met. Turkey should meet 72 benchmarks, regarding areas such as “document security”, the management of migration, public order and security, fundamental rights and the respect of the signed deal (Policy Analysis Unit 2016: 2).

In addition, Turkey was offered 3 billion euros as funding for the refugees in order to improve their living conditions in Turkey, and an additional amount of 3 billion euros by 2018 if Turkey spends the money properly. The EU should reopen accession talks for Turkey to join the EU with the opening of Chapter 33 (European Commission 2016a).

The EU and all its member countries will collaborate and work together so as to improve humanitarian conditions inside Syria, especially on the borders with Turkey which will allow people and refugees to live in safer places (European Commission 2016b).

2. Perspectives on the European Union–Turkish Deal

Since the signing of the Statement, there have been numerous attitudes for and against the EU–Turkish Statement. One could argue that the EU–Turkey Deal represented a new way of policy debate concerning migration when it comes to the EU and Turkey, bringing migration governance to the core of current issues (Paçacı Elitok 2019: 2). This section proposes to gather some important statements and opinions from EU leaders, humanitarian advocates, specialists in the field of migration and trustworthy journalistic commentators, as well as the opinion of some refugees regarding the Statement, and their fears with respect to it.

In the first phase, the officials of the EU were quite optimistic regarding the results that the Statement would achieve. According to Angela Merkel, the deal represented a “sustainable, pan-European solution” (The Economist 2016). Despite the optimism, scepticism was also present. Sara Tesorieri, the Oxfam’s EU Migration Policy Lead affirmed, „EU and Turkish leaders today made an agreement on the migration crisis that not only fails to respect the spirit of international and EU laws, but may amount to trading human beings for political concessions” (Foster 2016). The EU–Turkey Statement represents the continuation of the Joint Action Plan (2015). It could be stated that the fear for the failure of the EU–Turkey Statement has been tackled previously in the literature reviews. Özmenek Çarmıklı, Kader, Şen, Özgirgin and Öncan highlight the possible flaws of the Joint Action Plan that can be attributed to its successor as well. For instance, referring to the JAP, the action points proposed in the agreement offer two instruments for handling migrant smuggling. The first one involves resettlement of irregular migrants to Turkey, whereas the second one concerns the resettlement mechanism’s prioritization for migrants who have not entered or tried to enter the EU illegally . Even though these two instruments seem to be effective in short term, the scheme appears to be problematic regarding the human rights and the refugee law. Therefore, two issues appear: the first one refers to the migrants who have illegally crossed the border to Greece and the second one to the returning and receiving one Syrian refugee. These two problems are susceptible to the violation of refugee rights. According to the deal, Greece has to assess each application individually. The Greek Asylum’s System has been criticised several times by the European Court of Human Rights and by the UNHCR. As a result, the refugees’ rights could be violated in this process. In addition, there are still concerns regarding the implementation of the prohibition of mass-deportations of foreigners by the ECHR. According to the UN Refugee Convention, Turkey’s status as a safe third country does not match the EU regulations given its „geographic limitation.” Since relocation programs working out in Turkey give permission to countries to choose which refugees to resettle, the possibility of discrimination emerges, therefore creating problems concerning the selection of refugees. The disregards of international refugee law mentioned above can endanger the future of the Joint Action Plan (Özmenek Çarmıklı et al. 2016: 40–41).

According to „Aljazeera News”, the EU–Turkish deal represents a „stinking deal” as it is „built on hypocrisy” (Malik 2015). „With a population of 500 million, the EU has viewed the arrival of a half million migrants as an extraordinary crisis” (Malik 2015). Some might believe that the purpose of the EU is to push the problem of the migrants beyond the boundaries of Europe; European leaders should take into

consideration that Turkey hosted more than 2 million Syrian refugees, having 75 millions of inhabitants (not more than Germany's population). Moreover, Aljazeera argues that the EU has built a „fortress Europe”, by leaving the burden to non-EU countries and by militarizing border control (Malik 2015).

According to Angela Merkel, the pact might involve some setbacks and legal challenges. Sophy Ridge, the Senior Political Correspondent at Sky News, affirms: „The aim of this summit was to break the traffickers' business model and to send a message that the unofficial routes to Europe will no longer work. But these are desperate refugees, and if one route closes to them they may make other, more perilous, journeys” (Sky News 2016). As a result, the deal might trigger a serious threat when it comes to the life of the refugees.

The opinion of Jordan's Queen Rania, in her capacity as a humanitarian advocate, is as follows: “The responsibility for this crisis cannot be defined by geography. And I believe that we have to bring humanity and compassion back into the narrative,” said Queen Rania. “Because at the end of the day, this is a crisis about human beings – not about borders and barriers. It is about human dignity – not about deals” (Euronews 2016). Nevertheless, Hungary and Austria seemed not to share the same opinion by installing the so-called green border. Kőszeg Ferenc, a Hungarian politician, is raising an alarm concerning Hungary's attitude towards foreigners: „The Fortress Europe idea does exist. Authorities really believe Hungary's only duty is to keep out any migrant, even asylum seekers. They consider all asylum seekers as illegal, irregular migrants. And they don't understand that European practice requires humane treatment of asylum seekers” (Lungescu). For quite a lot of time Hungary was seen as the „black sheep of Europe in asylum matters” (Novak 2015). The Hungarian government has built a fence alongside the border with Serbia in order to halt the Balkan route massive immigration to Europe. The European Parliament states that the number of illegal immigrants has dropped down to over 600.000 in 2018, in comparison to 2.2 million illegal immigrants found in Europe in 2015 (European Parliament News 2017).

When it comes to the opinion of migrants regarding the Statement, a 26-year old Afghan man who arrived after the 20th of March, with the possibility of him being returned states: „I am 26 years old. I don't want to die. If I go home to Kabul they will kill me” (Norwegian Refugee Council 2016). The statement evokes the fact that the rights of refugees are in danger since the responsibility to ensure refugee seeking migrants are safe has to be collective not only divided among neighbouring countries; people have the right to ask for asylum and Jordan, Turkey and Lebanon already host a large number of refugees. According to NRC, refugees are afraid not to be

detained in Turkey and afterwards returned back to their home country. „They give us information we don't need. What will happen with us Afghans? How long do we have to wait?” states a 37-year-old Afghan Male. Refugees do not get clear information, the information is being transferred orally most often; in this case, the information should be handed on according to humanitarian principles such as impartiality and neutrality. Why Syrians have priority on interviews is not explained; this can create feelings of discrimination (Norwegian Refugee Council 2016). Practically, NRC is concerned that the deal discriminates against nationalities whose average international rate of protection at an EU level is under 75%. Therefore, Afghans are not eligible for asylum. “I feel so ashamed. I have nowhere that is mine and no money to pay to leave from here”, an immigrant claims. The deal may push people towards choosing more dangerous routes in order to flee from war and persecution. The upper quote is a slight hint to the possibility of being smuggled to a different country (Norwegian Refugee Council 2016).

Concerning the European officials, Merkel believed that „the agreement shows that Europe can solve these kinds of challenges together. We have the chance to achieve a long-term solution”, Merkel said. Germany's Chancellor also states that the pact will „hit the business model of smugglers hard.” [...] „The agreement will help above all, those most directly affected” (Karnitschnig and Barigazzi 2016). In opposition, John Dalhuisen, Amnesty's Director for Europe and Central Asia affirms that „Turkey is not a safe country for refugees and migrants, and any return process predicated on its being so will be flawed, illegal and immoral – whatever phantom guarantees precede this pre-declared outcome” (Karnitschnig and Barigazzi 2016). As it was stated in the previous part, Europe agreed to take a total of 72.000 refugees or one for every Syrian who is resettled in Turkey.

3. Efficiency and Resettlement under the European Union–Turkish Statement

The outcomes of the deal have been constantly monitored in order to check its efficiency. According to the “First Report on the progress made in the implementation of the EU–Turkey Statement” in the 3 weeks prior to the agreement 26.878 migrants came, while after the deal was agreed, in the upcoming 3 weeks only 5.847 immigrants entered Europe. Smugglers find it very hard to persuade migrants to use Turkey with the intention of arriving to Greece. The European Council outlined that the Statement

with Turkey requires efforts from all the members of the EU. Therefore, Greece was supported in its efforts in terms of materials, logistics and expertise. Juncker urgently appointed the Director-General of the Structural Reform Support Service as the EU coordinator and strengthened the existing Commission Team already on the ground in Greece. The EU Coordinator is to be in charge with the aid provided to the Greek authorities by the Commission, the EU Agencies and other EU member states. He is the one to coordinate the actions of Member states for the implementation of the resettlement scheme from Turkey. A Coordination team responsible for the general strategic direction and relations with key partners; an operation group is in charge of analysing all important data, planning and the deployment of Member state experts. A team is taking care of the resettlements. A committee lead by the Commission with Greece, the European Asylum Support Office (EASO), FRONTEX, Europol, and representatives of the Netherlands (Council Presidency), France, the United Kingdom and Germany, supervise the implementation of the Agreement concerning the resettlements and addressing the encountered obstacles. There were operations by NATO and FRONTEX that intensified the warning and surveillance activities. They also shared operational information with the Greek and Turkish Coast Guards. The main objective was to use NATO activity in the Aegean Sea to increase the detection rate and information exchange related to smugglers regarding the incidents, their routes and their methods (European Commission 2016c: 2–3).

The exchange of liaison officers is also present. Therefore, on the 21st of March, Europol and the Turkish National Police signed a deal to send an officer from Turkey to Europol aimed at fighting against organised crime, smugglers and terrorism. In addition, on the 1st of April, a FRONTEX Liaison officer started work to gather information, do joint analytical work and conduct specific operations. The same is supposed to happen with a Turkish liaison officer at the FRONTEX headquarters. The statement also contains the information of the importance of informing the migrants who are considering travelling irregularly to Greece about the provisions of this statement. Therefore, the Migrants' Information Strategy was established in order to be able to find out more easily the channels asylum seekers and refugees might use to get the information. The 4th of April was the date which marked the resettlement of irregular migrants; 325 persons who entered irregularly after the 20th of March have been resettled from Greece to Turkey. Under the bilateral readmission scheme 1292 migrants have been returned in 2016, most of the return operations taking place in March (European Commission 2016c: 3–4).

The first report outlines the good evolution made in operationalizing the agreement and put in evidence areas in urgent need for action mainly in reinforcing

the daily operation of the return and resettlement process in full conformity with the EU and International Laws. The FRONTEX analysis presents the Q1 2016 as having more than 274.000 asylum applications, representing the highest number of all former first quarters since 2007. In the first quarter, according to FRONTEX statistics there were almost 110.000 illegal crossings to Greece and Bulgaria. Due to the restrictive measures established by authorities on the Western Balkan route, illegal crossings have decreased in number. In January the illegal crossings were the highest, 67000, since the FRAN data collection started in 2007; in March, the number decreased dramatically to 5000 (FRONTEX 2016a: 7–9).

The second quarterly report realized by FRONTEX concerning the illegal crossings states that for the period of April–June 2016 there were 11102 detections, representing only a tenth of the number of illegal border crossings in comparison to the Q1 2016. On the Western Balkan route, Syrians represented only 32% of the populations crossing through the Western Balkan Route (FRONTEX 2016b: 8).

Were the first two quarters of 2016 compared, with regard to the detections of illegal border-crossings at the EU's external border, one can notice that in Q1 there were 153967 illegal crossings through the Eastern Mediterranean route, while in the second quarter there were only 8818. The same happens on the circular route from Albania to Greece 1350 in Q1, decreasing to 1142 in Q2. The Western Balkan Route shows a total of 108.649 crossings in Q1, with only 11.102 crossings in Q2.

In the second report, released on the 15th of June 2016, we can observe a marking decrease as well: for instance, before implementing the agreement, a daily number of approx. 1740 migrants were transpassing the Aegean sea in order to arrive to Greece, while starting with the 1st of May, only 47 arrivals per day were estimated. Moreover, the number of people who died in the Aegean sea has greatly decreased. For example, before signing the deal, in January 2016, 89 lives were lost at sea, in comparison with only 7 lives lost after the 20th of March. Starting with the 20th of April, 462 persons who entered irregularly have been returned. During 2016, the Second Report shows a number of 1546 irregular immigrants being returned to Turkey (European Commission 2016d: 2–4). According to the IOM (International Organization for Migration), up to the 20th of April 154.227 migrants arrived in Greece, out of whom 37% were children and 376 lost their lives on the Turkey–Greece route (BBC News 2016a).

The „Third Report on the Progress made in the implementation of the EU-Turkey Statement” released on the 28th of September 2016 states that in comparison to the Second Report, the number of arrivals from Turkey to the Greek islands was 9.250, which represents an average of 81 arrivals per day. Nevertheless, an increase

in the number of immigrants was to be seen in August to almost double the number concerning the daily arrivals were the last two reports to be compared. Nonetheless, the deal proved to be efficient in the sense that in 2015's summer an average of 2.900 immigrants were transpassing every day in the interval June–September 2015; in addition, before the implementation of the deal around 1.700 immigrants per day were estimated to cross the border to the EU (European Commission 2016e: 2) The BBC reported that average daily arrivals to Greece were 56 in May and they rose to 90 in August, after the Turkish coup d'État, according to Save the Children (BBC News 2016b).

Regarding the resettlement process under the EU–Turkish Statement, one could argue that the process had its ups and downs – there have been positive results, as well as negative aspects related to the length of time it required. The Migration Policy institute outlines a paradox for a European Union that has spent more decades „preaching” its asylum standards to the countries in the neighbourhood. The article states that the EU's self-imposed goal is to diminish the number of arrivals and increase the resettlements to Turkey. Therefore, it is believed that policymakers will have to cut the legal corners dramatically, and therefore some EU laws on problems such as detention and the right to appeal will be infringed. On the contrary, if the deal is handled according with International and European Legal Frameworks, not many persons will be returned (Collett 2016).

Still, the Second report on Resettlement shows progress in comparison to the first report. Since the 20th of April 462 persons who entered after the 20th of March irregularly and did not apply for asylum or did not revoke their asylum applications on their own, have been returned to Turkey. The pace of the returns was quite slow since time was needed to deploy and train asylum experts and to establish working areas for processing migrant applications. The Turkish authorities have provided written assurances that all Syrians will be offered temporary protection when they return to Turkey, enjoying protection from *refoulement* in compliance with the Law on Foreigners and International Protection. The EU also has the right to monitor all the migrants who have been returned to Turkey (European Commission 2016d, 4–5). People that have been returned are: 240 Pakistani, 42 Afghanis, 10 Iranians, 7 Indians, 5 Bangladeshis, 5 Iraqis, 5 Congolese, 4 Sri Lankans, 2 Syrians, 1 Somalian, 1 Ivorian, 1 Moroccan, 1 Egyptian, 1 Palestinian (European Commission 2016c: 4).

The Third report lists 116 persons returned to Turkey after the 15th of June, including 22 Syrians. Following the EU–Turkey Agreement a total of 578 migrants have been returned. Readmission and return actions have been temporarily

suspended in the period following the Turkish coup d'état, but they continued in September. Voluntary returns were encouraged. Therefore, with EU support, via the International Organization for Migration Assisted Voluntary Returns, 1976 migrants returned to their countries of origin since the 1st of June. 4678 persons have used the programme from Greece 2016 (European Commission 2016e: 5).

The "One for one" Resettlement reports of the European Commission point out the following results: the first report shows that during the first resettlement which took place between the 4th and the 5th of April, 74 Syrian asylum seekers have been resettled to Germany, Finland and the Netherlands. In total, 103 Syrians have been resettled from Turkey to Germany, Finland, the Netherlands and Sweden (European Commission 2016c: 7). The second report points out that until the 8th of June, 408 Syrians have been resettled from Turkey to Sweden, Germany, the Netherlands, Luxembourg, Italy, Lithuania and Portugal. The total number of resettlements to Turkey amounted to 511 (European Commission 2016d: 8). In the third report it is stated that until the 26th of September 1614 refugees have been resettled. 1103 have been resettled since the second report of 15 June 2016 (European Commission 2016e: 8).

4. The Turkish Coup d'État and the Frailty of the European Union–Turkey Statement

On the 15th of July 2016 a military coup was attempted against state institutions, against the government and the president Recep Tayyip Erdoğan in Turkey. According to the Huffington Post, the failure of the coup d'état in Turkey will change the country in ways that represent challenges to Greece as a neighbouring state (Tziampiris 2016). Following the coup, more than 15.000 education ministry staff was fired, the licences of 21.000 teachers have been withdrawn, 1.500 university deans were ordered to resign. Moreover, other fields have also been targeted: 6.000 military personnel have been detained, 3.000 judges have been suspended, 1.500 finance ministry staff fired, 492 persons were fired from the Religious Affairs Directorate, more than 250 staff in Prime Minister Yildirim's office have been removed. The licences of 24 radio and TV channels accused of being related to Mr. Gülen have been revoked (BBC News 2016c). A three-month state of emergency has been announced in Turkey; that means attacking the basic human rights with the possibility of reintroducing the death penalty. Regarding the death penalty the MEPs outline that „the unequivocal

rejection of the death penalty is an essential element of the Union *acquis*” (European Commission 2017f).

After the coup, Turkey was shifting towards an authoritarian regime. On Thursday, the 24th of November, the European Parliament has voted, surprisingly, to freeze talks on Turkey’s bid to join the European Union. Therefore, the resolution was as follows: 479 votes to 37 with 107 abstentions (European Parliament News 2016). The EU believed that under President Erdoğan, the human rights are endangered, and democratic standards are not respected. Gianni Pitella, the leader of the socialist group stated: “Our political message towards Turkey is that human rights, civil rights, democracy are non-negotiable if you want to be part of the EU” (News Europe 2016). The MEPs also added that “Turkey is an important partner of the EU” “But in partnerships, the will to cooperate has to be two-sided (...) Turkey is not showing this political will as the government’s actions are further diverting Turkey from its European path” (European Parliament News 2016). They condemned the „disproportionate repressive measures” that were taken by the Turkish government in the aftermath of the coup, claiming that these „violate basic rights and freedoms protected by the Turkish Constitution itself” (European Parliament News 2016). President Erdoğan seems to encourage the disruption of Turkey’s way to the EU, fact which is sustained also by the referendum which took place on the 16th of April 2017, giving the president additional powers (Mărginean, Oğrean, and Orăștean 2018: 18).

Halting the negotiations meant that no new negotiating chapters can be opened, and no new initiatives can be taken in relation to Turkey’s EU Negotiation Framework. This decision has led Erdoğan to threaten the EU by saying he would rather join the security Alliance run by Russia and China and that the EU should „live with the consequences” (De Carbonnel 2016). There is no doubt that the coup represented the end of a period of warmer tone between Turkey and the EU, in comparison with the period preceding the coup.

Some European officials claimed that the end of accession talks would cause a crisis between Brussels and Ankara and raise pressures for reform within Turkey (Coptic Solidarity 2016). It was still to be seen if Turkey would release the nearly three million Syrian refugees that were then within its borders as a result of the European Parliament vote. Erdoğan has formerly threatened that if Europe will not stand next to Turkey, then he should unleash a new wave of immigrants to Europe. “If you go any further, these border gates will be opened. Neither me nor my people will be affected by these empty threats” Erdoğan said at a women’s justice Congress in Istanbul (Weise and Foster 2016). According to The Times, the number of refugees

crossing to Greece from Turkey has increased by 84 percent since the failed coup, the data coming from official sources in Athens (Carassava 2016).

Turkey threatened with not going ahead with the deal if the bloc fails to grant the country visa-free travel. During an interview for an Italian TV Channel Rai 24, the Turkish President affirmed: *“If the EU does not grant visa liberalization for Turkish citizens, Ankara will no longer respect the March agreement on migrants”* (RTNews 2016). Nonetheless, the visa-free deal could not be put into practice even though it was planned to be introduced in July 2016. Turkey does not comply with the 72 criteria of the EU; among these, there is also the necessity for Ankara to pay attention to the softening of its rigid anti-terrorism legislation. The Chancellor of Austria, Christian Kern, has warned the bloc not to let itself bullied by Turkey: *“We should in no way allow ourselves be intimidated”* (RTNews 2016). Jean Claude Juncker stated that *“The risk is big. The success so far of the pact is fragile. President Erdoğan has already hinted several times that he wants to scrap it”* (Bekdil 2016). It is important to underline that the EU–Turkey Statement is a valuable deal for both parties: Turkey is an important ally in helping the EU control the migration flows to Europe, while Turkey has been offered important incentives for helping the EU.

President Erdoğan has criticized European leaders for not showing solidarity with Turkey during the coup attempt and for raising interest about the rule of law. *“Visa liberalization and readmission are very important, currently the process is ongoing. Of course, these will be simultaneous steps. But unfortunately, Europe has not yet delivered on its promises”* (Hürriyet Daily News 2016), states the president. Moreover, the president also criticises the EU for being an advocate for democracy, human rights and the rule of law, but still the bloc leaves its Turkish counterpart alone in the fight with the Kurdistan Workers’ Party and the Islamic State and at the same time the bloc does not understand that the actions taken against the plotters are directly proportional to the harshness of the events (Kalin 2016).

The mutual conditionality principle has not been entirely respected in this agreement. The EU–Turkish deal started with greater chances to strengthen the EU–Turkish relations and with even greater chances of cooperation between the two. Nonetheless, it was obvious after the Turkish coup d’état that Turkey could not be given the chance to join the bloc especially after Erdoğan’s affirmation concerning the possibility of reintroducing the death penalty. Therefore, Turkey might consider that one of the promises of Europe has not been kept. Federica Mogherini, EU’s foreign policy chef warned Turkey: *“Let me be very clear on one thing,”* she said; „...

No country can become an EU member state if it introduces [the] death penalty” (Bekdil 2016).

Under state of emergency law, Turkey did not cooperate anymore as it was expected to in the agreement. Turkish liaison officers have been withdrawn from the Greek Islands. The government protocol claims that deportations are not allowed to take place without the presence of the police. Vincent Cochetel affirmed that: “We understand that the Greek police and FRONTEX [the EU’s border agency] are re-establishing contact with their Turkish counterparts, but the dates keep changing, so we don’t know when cooperation will restart” (Kingsley 2016). In addition, there were important disruptions to the major Turkish institutions: some of the senior officers have been removed from their position; the same situation happened in the directorate for migration management (Kingsley 2016).

Despite all challenges, according to a press release from the 8th of December 2016 positive results were brought by the deal. The total number of returned people under the protocol reached 1187 (European Commission 2016g). European Commission’s First Vice President concluded that there was a major decrease in the number of migrants coming to the Greek Islands. Since March an average number of 90 persons per day were signalled, whereas in October 2015, 10.000 refugees arrived per day (European Commission 2016g).

The same results have been reached 3 years after the operational start of the Statement; irregular arrivals stay 97% lower than before the implementation of the deal, together with a substantial decrease in the numbers of lives lost at sea (European Commission 2019a).

Conclusions

In conclusion, the migration crisis has led to the signing of a „fragile” deal: „The EU–Turkish Statement on Refugees”. The frailty of the agreement can be grasped from the above-mentioned arguments that reinforce the fact that since the deal is not legally binding, its success will widely depend on the willingness of the two parts to respect their commitments.

Since the visa-free travel has not been granted for Turkish nationals, the Turkish officials have constantly warned that Ankara will not commit to the deal. It was only after the publication of the Third progress report that talks on visa liberalization have reached a deadlock since Turkey is reluctant to revise its anti-terror law. Practically,

unless the Commission provides the Parliament with a written guarantee that all the demands have been met, no talk will be initiated regarding the visa liberalisation. Nevertheless, in the aftermath of the coup, the Turkish government is not likely to ease its anti-terrorism law (Batalla Adam 2016: 5). “If some European countries intensify their terrorist laws and at the same time urge Turkey to soften theirs, this would be understood by our people as a weakening of the fight against terror,” Mevlüt Çavuşoğlu stated after referring to the steps taken by France in the fight against the terrorism in the country (Winter 2016).

In addition, an EU factsheet published in January 2017 reveals that the total humanitarian funding that the EU provided Turkey with, reached 588 million Euros since the beginning of the crisis. „Of the 3 billion envisaged, the total amount allocated under the Facility, for both humanitarian and non-humanitarian assistance, has reached 2.2 billion for 2016–2017. In January 2017 this represents almost 75 percent of the total. Out of the total amount allocated, the amount contracted has increased to €1.45 billion and the amount disbursed has reached €748 million” (European Commission 2017). According to a European Commission Press Release from the 19th of July 2019, 5.6 billion out of 6 billion have been allocated under the EU Facility for Refugees in Turkey (European Commission 2019b). From the beginning of the crisis since January 2017, Turkey claims to have spent 11.4 billion euros to provide assistance for the refugees (European Commission 2017). Despite these expenses, 90% of the Syrian refugees live outside the camps, most probably because of the problems of registering with local authorities and because of the language barrier (European Commission 2017). These facts might have pushed Turkish officials towards lacking commitment to the deal since financial reasons represented one of the main incentives offered to Turkey in exchange.

As recommendations, in order for the deal to function correctly the EU should invest more in the asylums that are found in Greece, that is, the EU Asylum Missions could send case workers, interpreters, reception officers in order to help the Greek officials. On the other hand, Turkey could attempt to have a better cooperation and communication with the EU not only on a governmental level, but also when it comes to the overall public, the media and the organizations working in the field.

Turkey and the EU are at a turning point in their relationship, during a period when both are facing economic and security challenges. The two, could use the migration crisis to put forward a fair and realistic agreement on the issue (Hakura 2016: 5). The EU–Turkey Statement is a first step which shows that the EU and Turkey can work together in order to tackle the issue of migration, therefore contributing to make better the life of millions of refugees. The EU has to admit that Turkey is

facing a great challenge in hosting a huge number of refugees and it should support Turkey in this matter. Since the EU–Turkey Statement proved to be successful in the fight against illegal migration, as it was shown in the previous sections of the paper, the two actors should perceive this Statement as an act of revival of their relations and try to come up with new cooperation opportunities when and where possible.

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